



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/698,857	08/14/96	SPONABLE	E EDS-034

GARY A SMITH
YOUNG & BASILE
3001 W BIG BEAVER
SUITE 624
TROY MI 48064-3109

C5M1/0122

EXAMINER

COHEN, C

ART UNIT

PAPER NUMBER

3509

DATE MAILED: 01/22/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
08/696,657

Applicant(s)
Sponable et al

Examiner
Curtis Cohen

Group Art Unit
3509



☒ Responsive to communication(s) filed on Aug 14, 1996

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-10 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-10 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 3509

DETAILED ACTION

Specification

- ✓ 1. The disclosure is objected to because of the following informalities: Page 5 line 24, "fixed windows 16" should include fixed window 17.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

- ✓ 2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: Claim 7 line 2 and lines 5-6, nowhere in the specification is there support ✓ for an operating speed of 4500 rpm or a gear train reduction ratio in excess of 500 to 1. Claim 8, the examiner does not see where in the specification, the description of the motor and drum being ✓ secured to the lower guide means. It appears that the drive unit is mounted to the frame of the vehicle as described on page 7 lines 28-29 or behind the truck seat, page 8 lines 1-4.

Art Unit: 3509

3. Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is an inconsistency between the language in the preamble and certain portions in the body of the claim, thereby making the scope of the claim unclear. The preamble in claims 1 & 10 clearly indicates that a subcombination is being claimed, e.g., "a window regulator mechanism for a window unit of an automobile...." This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "a regulator," the window unit and automobile being only functionally recited. This presents no problem as long as the body of the claim also refers to the window unit and automobile functionally, such as, "for attachment to said window."

The problem arises when the window is positively recited within the body of the claim, such as, "linear actuation means secured to the window." There is an inconsistency within the claim; the preamble indicates subcombination, while in at least one instance in the body of the claim there is a positive recital of structure indicating that the combination of a window regulator mechanism and a window are being claimed. The examiner cannot be sure if applicant's intent is to claim merely the window regulator or the window regulator in combination with the window.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the window regulator alone or the combination of the window regulator and the window. Applicant should make the language of the claim consistent with applicant's intent. In formulating a

Art Unit: 3509

rejection on the merits, the examiner is considering that the claims are drawn to the combination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

This language for the remainder of this application will be treated as a combination of the window regulator and the window.

✓ Claim 10 line 3 "tip" should be "top". Claim 10 line 36, "t" should be "to".

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by Kollar et al #5,531,046. Kollar et al teach a motor-driven window regulator mechanism 60 for sliding a window unit of an automotive vehicle horizontally between open and closed positions, characterized in that the window regulator mechanism is operative to pull the window from its closed to its open position and operative to pull the window from its open to its closed position (see column 7 lines 9-30). Kollar et al further teach a linear actuation means 140 secured to the

Art Unit: 3509

window and movable in a first direction to pull the window toward the open position and movable in a second direction to pull the window toward the closed position and drive means 420 to selectively move the linear actuation means in the first and second directions. The linear actuation means 140 is secured to a first side of the window as shown in figure 13, to pull the window in the first direction and secured to an opposite side of the window to pull the window in the second direction.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kollar et al in view of Ujihara et al #4,970,911. Kollar et al teaches a reversible electric motor 420. Kollar et al lack two cables wound around a drum in opposite directions. Ujihara et al teach the linear actuation means 7 which winds two cables 8,9 around a drum. One cable is wound in a clockwise direction, and a second cable is wound around the drum in a counterclockwise direction around drum 12. The examiner is using the entire drive mechanism of Ujihara et al to replace the drive mechanism of Kollar et al including the tape drive. However, the attachment of the cable to the window is taught by Kollar. It would have been obvious to one having ordinary

Art Unit: 3509

skill in the art, at the time the invention was made, to have used a pull/pull, two cable, one drum mechanism to open the window eliminating the use of a kinematic 3 or 4 bar mechanism or to eliminate using a locking cable used to push/pull the window open, both of which cause the window to bind in the window track. As to claim 5, the cable is connected to the bottom of the window at two separate locations by connectors 460, 470 as shown in figures 14 and 15, both at the lower corners of the window. As to claim 6, the drive cables include a cable and a conduit as shown in figure 8. Claim 7, since the limitations of these claims are not in the specification as noted in the 35 USC 112 (1st) rejection above, it is the examiners position that the motor and gear train of Kollar et al produce the same results as applicant has supported in the specification. Claim 8, the drive means including the motor of Kollar et al, are mounted behind the seats in a truck to the rear of the cab (as claimed in claim 9). This appears to be the same as applicant has disclosed in his invention however, it is claimed to be mounted to the lower guide means. The examiner rejected claim 8 under 35 USC 112 (1st) therefore, the rejection under 103 is as best understood considering the 112 (1st) rejection.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Olberding et al	4,995,195
Buening	5,542,214
Friese et al	4,920,698

Serial Number: 08/696,657


Page 7

Art Unit: 3509

Hlavaty 5,146,712

Karosserie DT 3,345,961 (bowden type cable)

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Curtis Cohen whose telephone number is (703) 308-2106.


KENNETH J. DORNER
SUPERVISORY PATENT EXAMINER
GROUP 3500

CC

ce

January 14, 1997